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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/697,868 | 10/31/2003 | James W. Barnwell | 87245.1660 | 9025 |

7590 08/15/2006

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| EXAMINER |
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PHAM, MINH CHAU THI

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| ART UNIT | PAPER NUMBER |
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1724

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,868

Applicant(s)

BARNWELL, JAMES W.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-9, 12-15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 12-15 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 6-9, 12-15 and 18-20 are again rejected under 35 U.S.C. 102(b) as being anticipated by Stuard (2,036,106).

Stuard teaches a separator (1) for removing liquids from a pressurized gaseous stream (page 1, left col., lines 8-17) comprising a filter element (see material inside chamber F) disposed in a body defining an inner chamber (F), a housing having the body disposed in an outer chamber (C), a drain device (23) having an orifice in the inner chamber (8) and the outer chamber (23) for draining the liquids from both the inner chamber and the outer chamber from the filter (page 1, left col., line 42 through right col., line 6). Stuard further teaches the drain device comprising a spring loaded valve (37, page 1, right col., line 42 through page 2, left col., line 38) to open or shut the orifice of the chambers due to the pressure variations (page 2, right col., lines 41 through page 3, left col., line 7). Stuard further teaches a method of filtering liquids from a pressurized gaseous stream comprising the steps of providing a filter element disposed in the inner chamber (F), housing the filter element in a housing and disposed therein an outer chamber (1)), draining liquids from both the inner and outer chambers (C, E) from the filter through a drain device (23) through valves (37, 25) (see details of Fig.1).

Response to Amendment

Applicant's arguments filed on June 1, 2006 have been fully considered but they are not persuasive.

Applicant points out the difference between the structural configurations of the inner and outer chambers in relative to the drain device and argues that the cited prior art Stuard does not teach such a limitation. The Examiner respectfully disagrees. The claim language is so broad and merely calls for an inner chamber and an outer chamber with a drain device operated via a spring loaded valve or valve to open or shut the orifice. The language of the claim does not specify the spatial relationship between the inner chamber and the outer chamber such as co-annular or anything like that. The cited prior art Stuard clearly shows: A separator (1) for removing liquids from a pressurized gaseous stream (page 1, left col., lines 8-17) comprising a filter element (see material inside chamber F) disposed in a body defining an inner chamber (F), a housing having the body disposed in an outer chamber (C), a drain device (23) having an orifice in the inner chamber (8) and the outer chamber (23) for draining the liquids from both the inner chamber and the outer chamber from the filter (page 1, left col., line 42 through right col., line 6), as claimed. Stuard further teaches the drain device comprising a spring loaded valve (37, page 1, right col., line 42 through page 2, left col., line 38) to open or shut the orifice of the chambers due to the pressure variations (page 2, right col., lines 41 through page 3, left col., line 7). Stuard further teaches a method of filtering liquids from a pressurized gaseous stream comprising the steps of providing a filter element disposed in the inner chamber (F), housing the filter element in a housing and disposed therein an outer chamber (1)), draining liquids from both the inner

and outer chambers (C, E) from the filter through a drain device (23) through valves (37, 25) (see details of Fig.1), as claimed.

Applicant's arguments with respect to claims 1-3, 6-9, 12-15 and 18-20 have been thoroughly considered but are moot in view of the rejection, as discussed above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
Art Unit: 1724
August 10, 2006